

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DUSTIN BRYCE ROSONDICH,)	
)	
Plaintiff,)	
)	
VS.)	No. 15-1125-JDT-egb
)	
BAHAKEL COMMUNICATIONS,)	
)	
Defendant.)	

ORDER DENYING OBJECTION,
ADOPTING REPORT AND RECOMMENDATION TO DISMISS,
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*

On May 14, 2015, the *pro se* Plaintiff, Dustin Bryce Rosondich, filed a civil complaint accompanied by a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) United States Magistrate Judge Edward G. Bryant granted leave to proceed *in forma pauperis* on May 15, 2015. (ECF No. 5). Plaintiff filed an amended complaint on December 28, 2015. (ECF No. 8.) On July 11, 2016, Magistrate Judge Bryant issued a Report and Recommendation (“R&R”) in which he recommended the Court dismiss the case *sua sponte*. (ECF No. 10.) Plaintiff filed a timely objection on July 25, 2016. (ECF No. 11.)

Plaintiff sues Bahakel Communications (“Bahakel”), identified in the complaint as the parent company of WBBJ-TV, a television station in Jackson, Tennessee. Jurisdiction is based on diversity of citizenship. (ECF No. 1 at 2.) In the original complaint, Plaintiff asserted claims of libel per se (*id.*) and false light invasion of privacy (*id.* at 7). However, the amended complaint is designated, at the top of each page, “[c]laim in place of original tort complaint.” (ECF No. 8.) Thus, the

amended complaint is intended to supersede the original complaint. In that amended pleading, which includes a fifty-two-page complaint, four pages of exhibits and a one-page affidavit, Plaintiff contends that he has notified Bahakel and provided evidence of its alleged “trespass” against him but that Bahakel has refused his demand to pay the “debt” that is owed. He states that he is “in possession of a self-executing contract that becomes enforceable for monetary compensation in the event of unauthorized use of my property, name and image.” (*Id.* at 2.) He claims he is entitled to \$6,000,000. (*Id.* at 3.)

In the R&R, Magistrate Judge Bryant found that the amended complaint fails to comply with Federal Rule of Civil Procedure 8 and is frivolous. In his objection, Plaintiff complains that the Magistrate Judge issued almost identical R&Rs in his pending cases, listed the wrong defendant in the caption of the case¹ and misstated the number of pages in the amended pleadings.² (ECF No. 11 at 1.) It is stated, “[t]he magistrates [sic] order to dismiss did not provide one statement not consistent with dishonor and was actually vague and frivolous.” (*Id.*) Plaintiff then states he is “giving notice of dishonor and dishonoring the honorable magistrate’s presentment order to dismiss” and that he is “dishonoring any rule against me.” (*Id.*)

¹ The caption of the R&R in this case lists the Defendant as Gannett Co. instead of Bahakel. (ECF No. 10 at 1.) Gannett is the defendant in another of Plaintiff’s cases, number 15-1124-JDT-egb.

² Plaintiff complains because the Magistrate Judge “says the complaint is 57 pages, which was one of my other cases, not Bahakel.” (ECF No. 11 at 1.) The Magistrate Judge actually refers to the complaint as being fifty-three pages, not fifty-seven (ECF No. 10 at 1), and also refers to the entire amended pleading as being fifty-eight pages long (*id.* at 5). As indicated, *supra*, the complaint itself is actually fifty-two pages in length. However, due to a scanning error there is a blank page between pages twenty-six and twenty-seven of the document in the Electronic Case Filing system, so the document appears to be fifty-three pages, which accounts for the Magistrate Judge’s error. Contrary to Plaintiff’s own statement in the objection, none of the complaints or amended complaints in his other cases is fifty-seven pages long.

Nothing in Plaintiff's objection warrants rejecting Magistrate Judge Bryant's conclusion. A review of the amended complaint demonstrates it is nonsensical and frivolous. Accordingly, Plaintiff's objection is DENIED. The Court ADOPTS the R&R and DISMISSES this case as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

Pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a), the Court CERTIFIES that an appeal by Plaintiff would not be taken in good faith and DENIES leave to appeal *in forma pauperis*. Accordingly, if Plaintiff files a notice of appeal, he must also pay the entire \$505 appellate filing fee or file a motion to proceed *in forma pauperis* and supporting affidavit in the Sixth Circuit Court of Appeals.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE